

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR TAGLE,
Plaintiff,
v.
STATE OF NEVADA, et al.,
Defendants.

Case No. 2:16-cv-00851-JAD-GWF

ORDER

This matter is before the Court on Plaintiff's Motion for Form 30 Suggestion of Death Upon the Record (ECF No. 2), filed on April 12, 2016.

Plaintiff requests, pursuant to Federal Rule of Civil Procedure 25, that four individuals be allowed to continue this litigation in the event of Plaintiff's death. Rule 25(a)(1) provides, in pertinent, part that "If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative." Seeing as Plaintiff filed this motion himself and is therefore still living, this motion is premature. If this case is still pending when Plaintiff dies, one or more of his successors may file an appropriate motion to substitute at that time. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Form 30 Suggestion of Death
Upon the Record (ECF No. 2) is **denied**.

DATED this 24th day of February, 2017.

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge